

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MIAMI VALLEY HOSPITAL,	:	
Plaintiff,	:	
v.	:	Case No. 3:20-cv-320
JEFFREY A. JONES, <i>et al.</i> ,	:	JUDGE WALTER H. RICE
Defendants.	:	

DECISION AND ENTRY SUSTAINING PLAINTIFF'S UNOPPOSED
MOTION FOR LEAVE TO FILE AMENDED COMPLAINT *INSTANTER*
(DOC. #6); OVERRULING AS MOOT DEFENDANT AHRESTY
WILMINGTON CORPORATION'S MOTION TO DISMISS FOR LACK
OF SUBJECT MATTER JURISDICTION AND FAILURE TO STATE A
CLAIM (DOC. #5)

Plaintiff, Miami Valley Hospital, filed suit in state court against Jeffrey A. Jones and his employer, Ahresty Wilmington Corporation ("AWC"), seeking to recover \$17,132.50 for medical services provided to Mr. Jones. AWC removed the case to federal court and filed an Amended Complaint, Doc. #3.


AWC then filed a Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim, Doc. #5. Plaintiff filed a memorandum in opposition, Doc. #7, along with a Motion for Leave to File Amended Complaint *Instanter*, Doc. #6. Plaintiff maintains that the proposed Second Amended Complaint, to which Plaintiff has attached an assignment of benefits, will cure the alleged jurisdictional defect.

Neither Defendant filed a memorandum in opposition to the Motion for Leave to File Amended Complaint *Instantly*. Fed. R. Civ. P. 15(a) provides that the Court shall freely grant leave to amend when justices so requires. Given that Plaintiff's motion is unopposed, and that the attached assignment of benefits may cure the alleged standing defect, the Court will grant Plaintiff's motion.

The Court SUSTAINS Plaintiff's Motion for Leave to File Amended Complaint *Instantly*, Doc. #6, and directs Plaintiff to file the Second Amended Complaint within 7 calendar days of the date of this Decision and Entry.

Given that the Second Amended Complaint will supersede the Amended Complaint that is the subject of the pending Motion to Dismiss, the Court OVERRULES AS MOOT AWC's Motion to Dismiss for Lack of Subject Matter Jurisdiction and Failure to State a Claim, Doc. #5. AWC, of course, is free to reassert any relevant arguments when it files its responsive pleading to the Second Amended Complaint.

Date: September 17, 2020


WALTER H. RICE
UNITED STATES DISTRICT JUDGE

(tp - per Judge Rice authorization after his review)